

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
TRENTON DIVISION

KETEVAN PANKEVICH

Plaintiff,

-v-

ALEX WYCKOFF,

Defendant.

Case No. _____

JURY TRIAL DEMANDED

CIVIL ACTION COMPLAINT

Plaintiffs, by their attorney, THE LAW OFFICE OF JASON TENENBAUM, P.C as and for a cause of action, complaining of the defendants herein, respectfully show(s) to this Court and alleges upon information and belief as follows:

1. That the within matter is a complaint for personal injury, involving a motor vehicle accident that occurred in the State of New Jersey involving a Plaintiff who resides in New York and Defendants who resides in New York.

PARTIES TO THE ACTION

2. That at all times hereinafter mentioned, the plaintiff Ketevan Pankevich resides at 342 W. 71 Street, #5, A7, New York, New York, 10023, was and still is a resident of the County of New York, State of New York

3. That at all times hereinafter mentioned, the defendant Alex Wyckoff resides at 390 Whitehorse Avenue, Trenton, New Jersey, was and still is a resident of the City of Trenton, County of Mercer, State of New Jersey.

JURISDICTION OF THIS COURT

4. That plaintiff Ketevan Pankevich, has sustained a personal injury through a trip and fall accident in the City of Trenton, County of Mercer, State of New Jersey.

5. That Plaintiff is a resident of the State of New York and has resided in the State of New York at all relevant times.

6. That Defendant is a resident of the State of New Jersey and has resided in the State of New Jersey at all relevant times.

7. That the within slip and fall incident occurred on February 17, 2014 in the City of Trenton, County of Mercer, State of New Jersey.

8. That the amount in dispute exceeds the \$75,000, exclusive of costs and disbursements, and Plaintiff resides in a different state than the Defendant.

9. That this Court has jurisdiction to hear this matter in accordance with 28 USC § 1332

VENUE OF THIS COURT

10. That the injury occurred within Trenton, New Jersey and Defendants reside in the County of Mercer.

11. That venue is proper in the United States District Court, District Court of New Jersey, Trenton. 28 USC § 1391(b)(1)

FACTS OF THE MATTER

12. That on February 17, 2014, Plaintiff Ketevan Pankevich at or about 9:30 AM on February 17, 2014, was at or near the location of 391 Whitehorse Avenue, Trenton, New Jersey.

13. At the aforesaid time and place, the Plaintiff was lawfully on said premises.

14. At the aforesaid time and place, the Defendant, individually and/or by and through its agents, servants and/or employees maintained the aforementioned premises including the sidewalks, parking lots, entrance and exits to said premises in such a manner where the areas became and/or caused a slip hazard when they accumulated ice and snow.

15. At the aforesaid time and place, as the Plaintiff while on or about the sidewalk located at 391 Whitehorse Avenue, Trenton, New Jersey, was caused to slip and fall on the ground sustaining severe and permanent injuries.

16. At the aforesaid time and place, the Defendant, individually and/or by and through its agents, servants and/or employees, had a duty to maintain the aforementioned premises, including said sidewalks, parking lots, entrances and exits, in a reasonably safe condition for persons lawfully on said premises, to include the Plaintiff herein.

17. At the aforesaid time and place, the Defendant, by and through its agents, servants and/or employees, disregarding said duty caused the sidewalks, parking lots, entrance and exits and/or failed to properly maintain, clean, remove, clear the aforementioned sidewalks, parking lots, entrance and exists on the aforementioned premises, allowing and/or causing the sidewalks, parking lots, entrance and exits to accumulate ice and snow so as to render thee idewalks, parking lots, entrance and exits dangerously slippery and unsafe for use, and as a result of this dangerous condition, the Plaintiff slipped and fell.

18. At the aforesaid time and place, the Defendant, Y, as the maintainer of the aforementioned premises, either individually or by and through its agents, servants and/or employees acted with less than reasonable care and was then and there guilty of one or more of the following careless and negligent acts and/or omissions: Improperly operated, managed, maintained and controlled its premises in failing to properly maintain the aforementioned sidewalks, parking lots, entrance and exists on the premises; Failed to provide slip guards and/or slip resistant surfaces in the aforementioned sidewalks, parking lots, entrance and exists of the premises for an unreasonable length of time.; Failed to warn the Plaintiff and other persons lawfully on said premises of the dangerous condition when Defendants knew or should have known in the exercise of ordinary care that said warning was necessary to prevent injury to the Plaintiff; Failed to make a reasonable inspection of its premises when it knew or in the exercise of ordinary care should have known that said inspection was necessary to prevent injury to the Plaintiff and others lawfully on said premises; Allowed the aforementioned premises to remain in a dangerously slippery condition, making the sidewalks, parking lots, entrance and exists unfit for passage, for an unreasonable length of time; Caused and/or created said unnatural accumulation of ice and/or snow to develop in the course of snow removal and/or application of salt or other substance such that the sidewalks, parking lots, entrance and exists became slippery and/or unsafe for passage for an unreasonable length of time; Failed to perform snow/ice removal services and/or duties in a manner such as to avoid the creating of an unnatural accumulation of ice and/or snow in the sidewalks, parking lots, entrance and exists; Failed to perform/provide snow and or ice removal in accordance with any and all written agreements and/or contracts such as to avoid

unnatural accumulation of ice and/or snow to develop.; Failed to perform/provide snow and or ice removal in accordance with custom and practice in the industry resulting in snow and or ice accumulating unnaturally at the location of said accident; Was otherwise careless and negligent in the operation of its premises.

19. As a direct and proximate result of one or more of the foregoing negligent acts or omissions of the Defendant, the Plaintiff sustained severe and permanent injuries; both internally and externally, and was and will be hindered and prevented from attending to his usual duties and affairs of life, and has lost and will in the future lose value of that time as aforementioned.

20. As a direct and proximate result of the aforesaid careless and negligent acts the Plaintiff, then and there suffered great pain and anguish, both in mind and body and will in the future continue to suffer. The Plaintiff further expended and will expend and become liable for large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

COUNT I - NEGLIGENCE

21. That Plaintiff repeats and reiterates each and every allegation in paragraphs numbered 1-21 as if originally set forth herein.

22. That due to Defendant's negligence at the above date, time and place, Plaintiff has sustained serious injuries of which Defendant is liable.

WHEREFORE, plaintiff Ketevan Pankevich demands judgment against the defendants.

JURY TRIAL DEMAND

Plaintiff demands a jury trial on all claims

Dated: Garden City, New York
November 11, 2014

Yours, etc.,

/s/ Jason Tenenbaum

JASON TENENBAUM, ESQ.
The Law Office of Jason Tenenbaum, P.C.
Attorneys for Plaintiffs
595 Stewart Avenue – Suite 400
Garden City, New York 11530

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
TRENTON DIVISION

Civil Case #:

KETEVAN PANKEVICH

Plaintiff,

-v-

ALEX WYCKOFF,

Defendant.

:
:
:
:
:
:
:
:
:
:
:

COMPLAINT

The Law Office of Jason Tenenbaum, P.C.
Attorneys for Plaintiff
595 Stewart Avenue, Suite 400
Garden City, New York 11530
(516) 242-8185

Service of a copy of the within ^ is hereby admitted

Dated,
^

.....

Attorney(s) for ^

Please take notice

☐ Notice of entry

that the within is a (*certified*) true copy of a _____ duly entered in the office of the clerk of the within named court on _____

☐ Notice of Settlement

that an order ^ of which the within is a true copy will be presented for _____ settlement to the HON. _____ one of the judges of the within named court, at _____ on _____

Dated: Hauppauge, New York

Yours, etc.

The Law Office of Jason Tenenbaum, P.C.
Attorneys for Plaintiff
595 Stewart Avenue, Suite 400
Garden City, New York 11530
(516) 242-8185